

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BOARD OF TRUSTEES OF THE	:	CIVIL ACTION
NATIONAL ELEVATOR INDUSTRY	:	NO. 17-05133
HEALTH BENEFIT PLAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KEVIN GOODSPEED,	:	
	:	
Defendant.	:	

O R D E R

AND NOW, this **1st** day of **May, 2019**, upon consideration of Defendant's Motion for Summary Judgment (ECF No. 27), and Plaintiff's Motion for Leave to File a Sur-Reply Brief (ECF No. 35), for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** as follows:¹

- 1) Defendant's Motion for Summary Judgment (ECF No. 27) is **DENIED**;

¹ Discovery in this case was bifurcated. See ECF No. 12. Defendant's Motion for Summary Judgment was limited to the issue of the existence of a fund against which an equitable lien could be attached. As explained in the Memorandum filed this same day, the Court's ruling denying Defendant's Motion for Summary Judgment effectively grants partial summary judgment to Plaintiff on the issue which Defendant had put before the Court.

The case will continue to discovery on the remaining issues as discussed in the Memorandum.

- 2) Plaintiff's Motion for Partial Summary Judgment is **GRANTED;**
- 3) Plaintiff's Motion for Leave to File a Sur-Reply Brief (ECF No. 35) is **GRANTED;** and
- 4) An in-person conference will be held to discuss scheduling for further discovery, dispositive motions, and a trial date. The parties are to appear on **May 10, 2019 at 10:00 a.m. before the Honorable Eduardo C. Robreno in Courtroom 15A, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania.**

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.